



Appeal Decision

Site visit made on 9 August 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2022

Appeal Ref: APP/U4610/W/22/3296439

Sunnyside Farm, Wall Hill Road, Coventry CV7 8AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Jackson against the decision of Coventry City Council.
 - The application Ref FUL/2021/1279, dated 10 April 2021, was refused by notice dated 3 December 2021.
 - The development proposed is erection of a new self-build bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the Green Belt. Although the Council's decision notice does not refer specifically to the Green Belt, it does refer to Policy GB1 of the Coventry City Council Local Plan (2017) (Local Plan). This policy deals with Green Belt issues. For the avoidance of any doubt, I am therefore required to consider the appeal on the basis of the site being within the Green Belt.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - Would the proposed development provide a suitable site for housing, having regard to the proximity of services.
 - The effect of the proposal on highway and pedestrian safety.
 - Whether sufficient evidence has been provided with regard to contaminated land.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (Framework) explains that the erection of new buildings in the Green Belt should be regarded as inappropriate development. Paragraph 149 includes a closed list of exceptions, of which criterion e) limited infilling in villages is the only one potentially applicable to the proposal before me.
5. Policy GB1 of the Local Plan sets out that the development of new buildings in the Green Belt is considered inappropriate, except for certain circumstances. One such circumstance is limited infill development. Therefore, Policy GB1 is broadly consistent with the Framework. However, Policy H3 allows for opportunities to provide self-build homes as part of limited infill within existing ribbon developments where it is demonstrated they do not have an adverse impact upon the openness and integrity of the wider Green Belt.
6. The appeal site is an open grassed area situated behind a hedgerow on Wall Hill Road. The site is positioned between two existing dwellings and within the curtilage of Sunnyside Farm. However, the site is located within a loose knit and sporadic form of development with a spacious rural setting that does not have the characteristics of a village location. Furthermore, the appeal site itself has a relatively open rural nature that is seen alongside the neighbouring sporadic development along Wall Hill Road, rather than being seen within a built-up frontage. As such, the proposal would not represent an infill of a gap in a village. Accordingly, it would not meet the relevant exception of paragraph 149 of the Framework.
7. For the same reasons, I do not consider the proposal could be considered as limited infill within a ribbon of development as per the requirements of Policy H3.
8. Therefore, the proposal would not represent limited infill development. It would not therefore fall within any of the exceptions within paragraph 149 of the Framework or Policy GB1 of the Local Plan. Thus, the proposal would be inappropriate development in the Green Belt which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I return to this matter below. I have however attached substantial weight to the harm caused by virtue of the proposal's inappropriateness within the Green Belt.

Openness of the Green Belt

9. Paragraph 137 of the Framework identifies the essential characteristics of the Green Belt as being its openness and permanence. Openness in terms of Green Belt has a spatial and visual aspect.
10. Although the appeal site is adjacent to existing built form, the existing built form has a loose knit nature and is surrounded by agricultural land. The proposal would reduce the clear separation that exists between the neighbouring dwellings and would encroach into the countryside beyond.
11. In addition, due to the flat, open nature of the site and the low-lying hedgerow boundaries, the proposal would appear visually prominent when viewed from Wall Hill Road. Therefore, the built form of the proposal would diminish the

contribution the site makes to the openness of the Green Belt in spatial and visual terms.

12. Therefore, for the reasons given, there would be moderate harm to the openness of the Green Belt, which would be at odds with the fundamental aim of Green Belt policy. As above, I am required to attach substantial weight to this element of Green Belt harm. Even if I had concluded the development did constitute infill in an existing ribbon, Policy H3 requires there to be no adverse impact on openness. Given my findings here, the proposal would not meet the policy's exception in any event.

Whether suitable site for housing

13. The appeal site is located near to a small settlement that has a low level of facilities and is therefore reliant on neighbouring villages and local centres for everyday needs. To access essential services and facilities, the occupants of the proposed dwelling would have to walk and cycle along Wall Hill Road. Along the road, the occupants would have to share the carriageway with vehicles, as a substantial stretch of the road extending from the appeal site has no footpaths. Therefore, the route would be unsuitable for walking, cycling, children's pushchairs, wheelchair users, or people with limited mobility.
14. Whilst bus services operate in the area, the Council state that the nearest bus stop to the appeal site is likely to have a limited service. I have no evidence before me relating to the frequency of the bus services or anything else to suggest that the dwelling would be well served. In addition, the lack of footpaths from the appeal site to access the bus stop is likely to deter occupants from using the bus services. Similarly, the lack of footpaths would deter people from using these routes to access the train station.
15. For the reasons above, essential services and facilities and public transport would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access services, facilities, public transport, and employment due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of transport. As such, the proposal would fail to accord with Policies H3 and DS3 of the Local Plan, which, amongst other things, seek to ensure new development is located within a suitable proximity to services and facilities and has access to sustainable modes of transport.

Highway and Pedestrian Safety

16. The proposal would utilise the existing driveway access off Wall Hill Road. As the existing access would be shared with the occupants of Sunnyside Farm and its associated buildings, the proposal would intensify the use of the existing access with increased comings and goings.
17. The submitted evidence has not demonstrated that the proposed access arrangements can accommodate the adequate pedestrian visibility lines for vehicles exiting the site, and that pedestrian visibility can be achieved. This is because the vehicular visibility splays would extend over highway and third-party land in front of the neighbouring property 'Ivy Croft', and therefore would not provide adequate visibility from within the site boundary.
18. In addition, the hedgerow boundary would restrict visibility from the driveway to approaching pedestrians and vehicles, as the visibility splay would extend

across the hedgerow boundary. Drivers exiting the site would have limited visibility and there would not be adequate time to react to oncoming pedestrians or other highway users passing-by. This would lead to an increased risk of pedestrian and vehicle collisions in the area, to the detriment of highway safety.

19. Whilst the hedgerow could be cut back to widen the entrance, this may not address the visibility splay extending across third party land, details of which are not before me. As a result, a condition relating to visibility splays would not be reasonable as I cannot be certain a suitable solution could be achieved.
20. In addition, the proposed gated entrance would be near to the driveway access point off Wall Hill Road. Due to the positioning of the gates, the proposal would not provide sufficient off road waiting space to prevent vehicles overhanging the highway. This is likely to result in vehicles having to stand/wait on the highway whilst waiting for vehicles to access the site, which could lead to conflict with vehicles using the highway. Furthermore, the lack of hard bound surface materials would result in loose materials being transferred onto the highway. Whilst the proposed materials could be imposed by condition, this would not address the harm identified to highway safety as a result of the proposal.
21. Consequently, the proposal would result in an unacceptable impact on highway and pedestrian safety. As such, the proposal conflicts with Policies AC1 and AC2 of the Local Plan. Collectively, these policies, amongst other things, seek to ensure developments do not have a negative impact on highway safety and integrate with existing transport networks. In addition, the proposal would fail to accord with the Framework, in particular paragraph 111, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Contaminated Land

22. The appeal site has previously been part of a working farm. The Council have concluded that a ground investigation report would be needed to establish if there is any contaminated land on the site. This information was not submitted by the appellant.
23. A condition would not be reasonable as any mitigation measures found necessary to remove adverse effects of contaminated land could lead to a substantial re-design of the development. It may also be the case that adverse effects cannot be mitigated, which would need to be established before permission is granted. Any measures found necessary to remove contaminated land would also need to be in place through conditions/and or planning obligations before permission is granted. Furthermore, Policy EM6 of the Local Plan recognises the importance of developments demonstrating at application stage potential impacts of contamination on groundwater resources and quality.
24. I therefore conclude that insufficient information has been submitted to be satisfied that contaminated land does not exist or that any contamination could be suitably mitigated. I must therefore take a precautionary approach, as the proposal could result in a serious detrimental impact on the health of future occupiers.

25. For the reasons given, the proposal conflicts with Policy EM6 of the Local Plan, which, amongst other things, seeks to ensure developments do not have an adverse effect on water resources.

Other Considerations

26. The proposal is intended to be a self-build dwelling in which the appellant would reside. Paragraph 62 of the Framework supports self-build development and I note that Policy H3 relates to self-build within the Green Belt. However, there is no evidence before me to suggest that the appellant is on the Council's self-build and custom house building register. Furthermore, since there is no mechanism before me to restrict the appeal site as a self-build dwelling, I attach limited weight to this matter.
27. It is explained that the proposed dwelling is intended for the appellant and their partner, to enable them to stay in the local area. Whilst acknowledging such intentions, they amount to personal benefits which in the context of the wider planning considerations relating to this appeal, attract only limited weight.
28. The submissions have included reference to planning approvals where development has been permitted in the Green Belt (FUL/2020/1431). However, the full details of these planning approvals are not before me. I do not know the planning circumstances that led to these approvals or their specific relationship with the Green Belt. On this basis, I cannot conclude with any certainty that the examples are directly comparable to the proposal before me. As such, this carries limited weight in any decision. In any event, I have determined the appeal on its own merits based on the information before me and my own observations of the area.

Planning Balance

29. The proposal would be inappropriate development and would cause harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to this identified harm. In addition, harm has also been identified to highway safety and I have found that the site would not be a sustainable location for a dwelling. Furthermore, insufficient evidence has been provided to demonstrate whether contaminated land is present on the site.
30. As set out above, other considerations put forward in support of the proposal attract limited weight. However, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
31. As a result, the proposal conflicts with the Framework and Policy GB1 of the Local Plan, which, amongst other things, seeks to protect the Green Belt and its openness in line with national policy. In addition, the proposal would also fail to accord with Policy H3 as, for the reasons above, it would not represent self-build limited infill development within a ribbon of development in the Green Belt and would have an adverse impact on the openness of the Green Belt.
32. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.

Conclusion

33. For the reasons given above, the appeal is therefore dismissed.

Helen Smith

INSPECTOR